

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 32

Carson City, Nevada

MISSION OF NEVADA, INC. 1/  
Employer

and

Case No. 32-RC-4819

TEAMSTERS LOCAL UNION 533,  
IBT, AFL-CIO  
Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds: 2/

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are thereby affirmed.

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/

3. The Petitioner involved claims to represent certain employees of the Employer.

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c) (1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining unit within the meaning of Section 9(b) of the Act: 4/

Included: All full-time and part-time route sales/service representatives, utility drivers, shuttle drivers and route supervisors employed by the Employer at its Carson City, Nevada facility.

Excluded: All other employees, including office clerical employees, professional employees, plant and stockroom employees, outside sales employees, major account representatives, guards and supervisors 5/ as defined in the Act.

### DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the voting unit found appropriate at the time and place set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations. 5/ Eligible to vote are those in the voting unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military service of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether or not they desire to be represented by TEAMSTERS LOCAL UNION 533, IBT, AFL-CIO.

### LIST OF VOTERS

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359, 361 fn. 17 (1994). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all eligible voters shall be filed by the Employer with the

undersigned, who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the NLRB Region 32 Regional Office, Oakland Federal Building, 1301 Clay Street, Suite 300N, Oakland, California 94612-5211, on or before December 5, 2000. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

#### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by December 12, 2000.

Dated at Oakland California this 28th day of November, 2000.

/s/ James S. Scott

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James S. Scott  
Regional Director  
Region 32  
National Labor Relations Board  
1301 Clay St., Suite 300-N  
Oakland, CA 94612-5211

32-1208

- 1/ The Employer's name appears as amended at the hearing.
- 2/ The Employer and the Petitioner filed timely briefs which have been duly considered.
- 3/ The parties stipulated and I find that Mission of Nevada, Inc., hereinafter referred to as the Employer, is a Nevada corporation with offices and places of business located in Carson City and Reno, Nevada where it is engaged in the operation of linen and industrial supply services. During the past 12 months, a representative period, the

Employer purchased and received goods valued in excess of \$50,000 directly from suppliers located outside the State of Nevada.

4/ The Petitioner seeks to represent all full time and part-time drivers employed as route sales/service representatives (RSRs), shuttle drivers, route supervisors and utility drivers at the Employer's Carson City, Nevada facility, excluding the plant and stockroom personnel at the Carson City facility, outside sales personnel, major account representatives, the drivers at the Reno facility, all personnel at the Farnley and Elko, Nevada facilities, office clerical employees, professional employees, guards and supervisors as defined in the Act.

The Employer asserts an appropriate unit should include, besides the petitioned-for employees, the RSRs, utility drivers and route supervisors at the Reno facility as well as the inventory control employees at the Carson City facility.

The parties stipulated the following individuals are supervisors within the meaning of Section 2(11) of the Act and they shall be excluded from the unit found appropriate herein:

Lenny Beck	General Manager
Ernie Copenhaver	Plant Manager
Len McKinnon	Service Manager
Shawn Mynear	Branch Manager, Reno
Mike Heath	Route Manager
Jack Johnson	Route Manager
Cameron Iaccovelli	Route Manager
John Jessee	Route Manager
Tom Schuler	Route Manager
Ron Saunders	Outside Sales
Ralph Lytle	Outside Sales

Larry Riley	Major Account Representative, Carson City
Charlie Smith	Major Account Representative, Reno
Jane Crofton	Office Manager, Carson City
Sharon Wicker	Office Manager, Reno

The Employer has their main facility in Carson City, where it processes and cleans linens and industrial products, such as garments, shop towels and mats and delivers the products to its customers. The Employer has a depot in Reno, 30 miles from the Carson City facility, from which it delivers products to its customers. The Reno facility does not clean the products; rather, the RSRs return the soiled products to the Reno facility and shuttle drivers from Carson City pickup these products on a nightly basis on the same run where clean products are delivered to the Reno facility.

At the Carson City facility, there are 20 RSRs, 1 utility driver, 2 shuttle drivers and 1 route supervisor (the parties stipulated this was not a statutory supervisor). Additionally, there are 2 inventory control employees in Carson City. The Carson City plant employs another 180 production employees and 12 stockroom employees. The Reno facility employs 12 RSRs, 1 utility driver, and 1 route supervisor.

The RSRs drive either a retail or wholesale route. The retail route RSRs are paid a base rate of pay plus commissions while the wholesale route RSRs are paid on an hourly basis. The wholesale routes are major customers, such as large casinos, which are serviced on a daily basis. The RSRs on wholesale routes drive bobtail/lift-gate trucks or semi-trailers, which require Class B and A driver licenses, respectively. Wholesale routes are only driven out of the Carson City facility. The retail route RSRs drive step vans or econoline vans, which do not require Class A or B driver licenses.

The RSRs are assigned to an industrial or linen route. The wholesale or retail status does not concern whether it is industrial or linen. Respondent's route managers are over either industrial or linen routes. All of the RSRs in Reno are assigned to industrial routes while 6 RSRs in Carson City are assigned to industrial routes and the remaining 14 RSRs to linen routes.

The RSRs drive their routes, deliver the products, pick up soiled products, make sales calls on customers for more services or products and return the soiled products to their respective facilities. The utility drivers are relief drivers for the RSRs, who are absent due to vacation or illness. The shuttle drivers take clean products from the Carson City facility to the Reno facility and pick up soiled products from Reno and transport them to Carson City for processing and cleaning. The shuttle drivers make their runs in the evening when no employees are present at the Reno facility. The route supervisors work Friday through Monday and ensure deliveries to major accounts over the weekend.

The drivers (meaning RSRs, utility drivers and route supervisors) assigned to each of the facilities do not see or interact with each other except on rare occasions, such as Christmas dinner, company picnic and an award ceremony for a driver contest. When Respondent meets with its employees, the meetings are limited to the drivers at the respective locations or a group of drivers, such as the linen route drivers at the particular location. The drivers are not temporarily transferred from one facility to the other facility. Even the utility driver at each facility does not fill-in for absent RSRs at the other facility, except on two occasions. As for any permanent transfers, the record evidence established one RSR voluntarily transferred facilities and another RSR was

involuntarily transferred for disciplinary reasons. Additionally, a few statutory supervisors have transferred between facilities.

A route manager, who is stationed at a particular facility directly, supervises the RSRs. The 2 route managers at the Reno facility report to Mynear, Respondent's branch manager in Reno. At the Carson City facility, 2 route managers report to McKinnon, Respondent's service manager in Carson City, while 1 route manager, Heath, reports to Mynear in Reno. This administrative procedure is utilized in order that all of the industrial route managers report to one person. Both Mynear and McKinnon report to Beck, Respondent's service manager. Mynear is at the Carson City facility on a daily basis in order to pick up shortages that are needed at the Reno facility. While at Carson City, Mynear speaks to RSRs. Mynear also meets with the 6 industrial route RSRs in Carson City every 2 weeks.

The personnel files are kept at the facility to which the employee is assigned. The company handbook covers both facilities. The service or branch manager is in charge of personnel matters at their respective facilities. Specifically, each is in charge of hiring, evaluations and discipline for their facilities. Concerning hiring, applications are accepted at both facilities but the remainder of the process is handled at the facility doing the hiring. Concerning evaluations, they are performed by the route managers and reviewed by their respective service or branch manager. Concerning discipline, if an employee is being suspended or terminated for a major offense, then it is subject to review by Beck, the general manager over both facilities. But for all other discipline, the respective service or branch manager administers it. As for the 6 industrial route RSRs

in Carson City, McKinnon and Mynear jointly administer any discipline since Mynear is over all of the industrial routes.

The record evidence established that all employees sought by the Petitioner as well as those additional employees sought by the Employer receive the same fringe benefits, and are under the same wage system.

The Board has long held that a unit consisting of employees at a single facility is presumptively an appropriate unit unless it has been so effectively merged into a more comprehensive unit, or is so functionally integrated, that it has lost its separate identity. *D & L Transportation*, 324 NLRB 160 (1997); *Dixie Bell Mills*, 139 NLRB 629 (1962). To rebut this presumption, the Board reviews such factors as: centralized control of the daily operations and labor relations, the extent of local autonomy to handle the facility's daily operations and supervision of the employees' daily work, extent of employee interchange, geographic proximity, similarity of skills, functions and working conditions and bargaining history if any. See *D & L Transportation, supra*; *Rental Uniform Service*, 330 NLRB No. 44 (1999).

In this case, the record evidence does not establish Respondent maintains centralized control over the daily operations in Carson City and Reno. Rather, the record evidence shows the service manager and route managers in Carson City control the Carson City facility and the branch manager and route managers in Reno control the Reno facility. The only overlapping supervision is the 6 RSRs in Carson City who ultimately report to Mynear in Reno but whose immediate supervisor is route manager in Carson City. Thus, these 6 RSRs' direct and more meaningful supervision is at the Carson City facility. The route managers at their respective facilities supervise the



employees' daily work. The record evidence established very little employee interchange, with the Carson City utility driver being temporarily assigned to Reno on two occasions and one voluntary transfer of a RSR between facilities. The facilities are approximately 30 miles apart. There is no bargaining history. The only other factor which is helpful to Respondent to rebut the presumption is the fact that the drivers possess similar job skills, functions and working conditions although none of the Reno drivers possess Class A or B driver licenses because they drive smaller vehicles.

In *Rental Uniform Service, supra*, the Board faced a similar factual situation and found the employer failed to overcome the single facility presumption. Specifically, the Board found the local manager had significant responsibility for the employees' day-to-day work and exercised the authority to evaluate, hire and discipline employees although the general manager had final authority on hiring and disciplinary matters. The Board characterized such as "meaningful local autonomy and participation in matters directly affecting the service representatives' working lives". *Id.* at slip op. 3. Furthermore, the employer failed to show any significant employee interchange and provided no evidence of interaction between employees in the three facilities. The Board further held:

Given the absence of interchange and work interaction, similarity in skills, pay, and job function does not establish that Hanover has no separate identity.... There is no dependency between service representatives at Hanover and those at York or Frederick. Further, geographic separation of the facilities is significant. The York location is 22 miles from Hanover and Frederick is 50 miles away. There is also an absence of bargaining history. These factors further support a single-location unit. *Id.*

Based upon the record evidence and the applicable case law as cited above, I find the Employer has failed to rebut the single location facility presumption. Thus, I find

the RSRs, utility drivers, shuttle drivers and route supervisors at the Carson City, Nevada facility are an appropriate unit.

As for the two inventory control personnel stationed at the Carson City facility, their primary duties are to go the major accounts, such as casino hotels, and count inventory on a daily basis. This requires about 25 hours a week. Their remaining hours are spent delivering products. This is the only evidence presented on the inventory control personnel. As such, I find it is insufficient to make a determination on whether they should be included in an appropriate unit. Thus, I shall order the two inventory control employees to vote by challenge ballots.

5/ Please read the attached notice requiring that election notices be posted at least three (3) days prior to the election.

There are approximately 24 employees in the unit.

Digest Numbers

420-5034

420-6260

420-4280